

Limine Request No. 2:

Any mention of or reference to any ex parte statements or reports of any persons not then and there present in Court to testify and be cross-examined, and any suggestion to the jury, by argument or otherwise, what the testimony would have been of any witness not actually called.

Granted _____

Denied _____

United States District Judge

Limine Request No. 3:

Any mention of or reference to the probable testimony of a witness who is absent, unavailable or not called to testify in this cause.

Granted _____

Denied _____

United States District Judge

Limine Request No. 4:

Any mention of or reference to the contents of any pleadings that have been superseded by the current pleadings on file in this case.

Granted _____

Denied _____

United States District Judge

Limine Request No. 5:

That the parties not present any evidence or argument that would tend to inform the jury or jury panel of the effect of their answers to the questions submitted by the Court to the jury in this case.

Granted _____

Denied _____

United States District Judge

Limine Request No. 6:

That the Plaintiffs not request that Defendants stipulate to the admissibility of any evidence, produce documents or instruments, stipulate to facts, or make an agreement regarding any matter before the jury.

Granted _____

Denied _____

United States District Judge

Limine Request No. 7:

Any interrogation of members of the jury panel and/or venire panel as to whether they would answer an issue on damages in accordance with the evidence, regardless of who pays the damages or when they will be paid, or whether they will ever be paid, or any similar version of such inquiry.

Granted _____

Denied _____

United States District Judge

Limine Request No. 8:

Any interrogation of the members of the jury panel and/or venire panel regarding whether they would take any amount of money “to have been in Plaintiffs’ shoes” or other language attempting to have the jurors place themselves in Plaintiffs’ position.

Granted _____

Denied _____

United States District Judge

Limine Request No. 9:

Any mention of or reference to the filing of this Motion, or any ruling by the Court in response to this Motion, suggesting or implying to this Court that Defendants have sought to prohibit proof of any sort, or that the Court has excluded proof on an particular matter or issue.

Granted _____

Denied _____

United States District Judge

Limine Request No. 10:

Any mention of or reference to the fact that any of the witnesses called on behalf of Defendants may have been convicted of any criminal offenses.

Granted _____

Denied _____

United States District Judge

Limine Request No. 11:

Any mention of or reference to any proposed exhibit, demonstrative aid, photograph, recording or other tangible thing.

Granted _____

Denied _____

United States District Judge

Limine Request No. 12:

Any mention of or reference to any objections raised by Defendants in their answers to interrogatories, responses to requests for production or requests for admissions, hearings, and depositions, as well as reference to any refusal to answer questions to which objections were made.

Granted _____

Denied _____

United States District Judge

Limine Request No. 13:

Any mention of or reference to subsequent remedial measures taken by Defendants after Plaintiffs' alleged injuries, if any.

Granted _____

Denied _____

United States District Judge

Limine Request No. 14:

Any mention of or reference to the location of the undersigned counsels' offices, licensees to practice in any other state other than Texas, practice in any other state other than Texas, or handling of this litigation.

Granted _____

Denied _____

United States District Judge

Limine Request No. 15:

Any mention of or reference to Plaintiffs' counsel's opinion as to the truthfulness of a witness or opinion as to any other matter in this case.

Granted _____

Denied _____

United States District Judge

Limine Request No. 16:

Any testimony or other evidence elicited through the use of videotaped depositions without first providing Defendants with specific page/line references to the videotaped deposition and securing ruling(s) on objection(s) made on the record with regard to such testimony.

Granted _____

Denied _____

United States District Judge

Limine Request No. 17:

Any expression of the personal beliefs of Plaintiffs' counsel.

Granted _____

Denied _____

United States District Judge

Limine Request No. 18:

Any suggestion that Defendants or any related entity are protected in whole or in part by insurance.

Granted _____

Denied _____

United States District Judge

Limine Request No. 19:

Any reference to any communications related to any settlement or settlement negotiation between Plaintiffs and Defendants.

Granted _____

Denied _____

United States District Judge

Limine Request No. 20:

Any reference to any other lawsuit in which Defendants, or any related entity, were a party.

Granted _____

Denied _____

United States District Judge

Limine Request No. 21:

Any reference to any investigation conducted into any aspect of Defendants' business or the business of any related entity.

Granted _____

Denied _____

United States District Judge

Limine Request No. 22:

Any reference to any alleged uncompensated time worked by Plaintiffs outside the relevant statute of limitations.

Granted _____

Denied _____

United States District Judge

Limine Request No. 23:

Any reference to the Defendants' value, worth, or financial condition or the value, worth, or financial condition of any related entity.

Granted _____

Denied _____

United States District Judge

Limine Request No. 24:

Any reference to Defendants' actions being "willful" violations of the Fair Labor Standards Act.

Granted _____

Denied _____

United States District Judge

Limine Request No. 25:

Any mention of or reference to any claim, cause of action, or evidence thereof not formerly pled by Plaintiffs in this case.

Granted _____

Denied _____

United States District Judge

Limine Request No. 26:

Any mention of or reference to former testimony given by Rebekkah Clark related to any other claims that were made or allegedly made against Defendants for failure to pay overtime.

Granted _____

Denied _____

United States District Judge

Limine Request No. 27:

Any mention or reference to any alleged violations of Department of Transportation regulations. *See Glanville v. Dupar, Inc.*, CIV.A. H-08-2537, 2009 WL 3255292, at *8 (S.D. Tex. Sept. 25, 2009) (finding the plaintiffs’ “arguments about [the defendant’s] failure to require commercial driver’s licenses (“CDLs”) or DOT identification numbers . . . unpersuasive” in analysis of whether the Motor Carrier Act exemption (“MCAE”) or Small Vehicle exemption (“TCA”) apply).

Granted _____

Denied _____

United States District Judge

Limine Request No. 28:

Any mention or reference suggesting that actual weight, and not Gross Vehicle Weight Ratio (“GVWR”) is the accurate standard for determining the application of the MCAE. *See* Dkt. No. 38, at 2, fn. 1 (indicating that “Plaintiffs have chosen to use GVWR” as the applicable standard for their motion for summary judgment).

Granted _____

Denied _____

United States District Judge

Limine Request No. 29:

Any mention that Defendants were required to keep records relating to small vehicles including, but not limited to, when they were driven and who they were driven by.

Granted _____

Denied _____

United States District Judge

Limine Request No. 30:

Any mention that an employee was required to actually drive a truck transporting hazardous material in order for the hazardous materials exemption to the TCA to apply. *See* SAFETEA-LU TECHNICAL CORRECTIONS ACT OF 2008, PL 110-244, June 6, 2008, 122 Stat 1572 (describing covered employees as those who drive vehicles weighing less than 10,000 pounds but excepting from its purview those *vehicles* that are used to transport hazardous materials).

Granted _____

Denied _____

United States District Judge

Limine Request No. 31:

Any mention or reference to the size, number of attorneys, or number of employees employed by Munsch Hart Kopf & Harr.

Granted _____

Denied _____

United States District Judge

Limine Request No. 32:

Any mention of or reference to Justin Pinkard's criminal background, history of illegal drug use, or alcohol abuse, if any.

Granted _____

Denied _____

United States District Judge

Respectfully Submitted,

MUNSCH HARDT KOPF & HARR, P.C.

By: /s/ Daniel D. Pipitone

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CERTIFICATE OF CONFERENCE

I hereby certify that I contacted Plaintiffs' counsel concerning the relief sought in this Motion in Limine and he indicated that he is opposed.

/s/ Michael A. Harvey
Michael A. Harvey

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on counsel of record by means of ECF this 23rd day of December, 2016:

James Moulton
MOULTON & PRICE, P.C.
109 SH 110 South
Whitehouse, Texas 75791
ATTORNEY FOR PLAINTIFFS

/s/ Daniel D. Pipitone
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